

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 CHERRI WALTER, a single person,
14 Plaintiff,

15 v.
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17 EDWARD DAY and "JANE DOE" DAY,
18 husband and wife, and the marital community
19 composed thereof, et al.,

20 Defendants.

21 Case No. C07-5100RBL
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23 ORDER
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25 THIS MATTER comes on before the above-entitled Court upon Defendants' Motion for Summary
26 Judgment [Dkt. #9]. Defendants filed their motion on August 27, 2007 and noted it for September 28, 2007.¹
27 Under this Court's local rules, plaintiff's opposition to the motion was due on September 24, 2007.
28 CR 7(d)(3), Local Rules W.D. Wash. Plaintiff has thus far failed to respond to the motion. Pursuant to
CR 7(b)(2), Local Rules W.D. Wash., "such failure may be considered by the court as an admission that the
motion has merit." It is therefore

29 **ORDERED** that the plaintiff **SHOW CAUSE** in writing on or before October 9, 2007 why
30 defendants' motion for summary judgment should not be granted. If plaintiff files a substantive response in
31 opposition to the motion, defendants shall be afforded an opportunity to file a substantive reply and defendants'
32 motion will be re-noted for October 12, 2007. Plaintiff's failure to respond to this Order and to file a response

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38 ¹Pursuant to CR7(d)(3), Local Rules W.D. Wash., defendant could have noted the motion for September 21, 2007. By
39 noting the motion for September 28, 2007, plaintiff was given an extra week to respond in opposition to the motion.

1 in opposition to defendants' motion for summary will result in the granting of the motion and the dismissal of
2 plaintiff's case.

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
4 pro se.

5 Dated this 2nd day of October, 2007.

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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE

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